IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(C).No. 13039 of 2007(B)

CC.309/2005 of J.M.F.C.,IDUKKI

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PETITIONER:

ROY @ THOMAS, AGED 45, S/O. LATE JOSEPH,
NENJUMTHOTTIYIL HOUSE, THADIYAMPADU P.O.,
VAZHATHOPPU, IDUKKI VILLAGE, IDUKKI DISTRICT.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN

RESPONDENTS:

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1. STATE OF KERALA, REP. BY
SUB INSPECTOR OF POLICE, IDUKKI.

2. MANUEL, S/O. PAILY,
KUTTICHIRAYIL HOUSE, PALLIKAVALA BHAGOM,
VAZHATHOPPU KARA, IDUKKI VILLAGE,
THODUPUZHA TALUK.

3. BABU, S/O. THOMAS,
UMMINIYIL HOUSE, VAZHATHOPPU KARA,
IDUKKI VILLAGE.

4. THOMAS, S/O. JOSEPH,
KUTTICHIRAYIL HOUSE, VAZHATHOPPU KARA,
IDUKKI VILLAGE, THODUPUZHA TALUK.

BY GOVERNMENT PLEADER SRI.S.U.NAZER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.13039 of 2007

Dated this the 13th day of April, 2007

JUDGMENT

The short prayer of the petitioner is that three cases, in which he is concerned as accused and defacto complainant - ie. C.C.Nos.309, 316 and 85 of 2005, all pending before the learned Judicial Magistrate of the First Class, Idukki, may be disposed of expeditiously. The petitioner is expecting to go abroad to Ireland, where his wife is employed. The pendency of these proceedings compels him not to leave India and in these circumstances, he wants those cases to be disposed of expeditiously.

2. Has the petitioner applied to the learned Magistrate for an early disposal ? If he has not done so, why he has not done so ? Why is he without and before making such a request to the learned Magistrate coming to this Court with such a prayer ? Order and discipline in proceedings demand that the petitioner should not be permitted to approach this Court without and before making such a request before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the prayer of the petitioner for an early disposal in accordance with law and sympathetically. The petitioner has certainly got to urge that request before the learned Magistrate.

3. The plight of the petitioner appears to deserve sympathy. He wants to joint his wife at her place of employment abroad. The learned Magistrate must certainly consider such request and if possible dispose of the cases expeditiously. The petitioner can make a formal request before the learned Magistrate along with a copy of this order and the learned Magistrate must pass appropriate orders.

4. This Writ Petition is, in these circumstances, dismissed with the above observations.

5. Issue a copy of this judgment to the learned counsel for the petitioner forthwith.

(R.BASANT, JUDGE)

rtr/-